

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Expanding Flexible Use of the 3.7 GHz to
4.2 GHz Band

Petition of Eutelsat S.A. for Expedited
Reconsideration or Clarification

GN Docket No. 18-122

PETITION FOR EXPEDITED RECONSIDERATION OR CLARIFICATION

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Executive Summary

Eutelsat S.A. (“Eutelsat”) petitions the Federal Communications Commission (the “Commission”) for expedited reconsideration or clarification of the *C-band Order* regarding (i) relocation cost eligibility and associated requirements; (ii) cost allocation criteria; and (iii) transparency concerning cost eligibility disputes under the Commission’s Rules.

Eutelsat requests the Commission adequately define terms including “comparable facilities,” “reasonable,” and “necessary” to allow parties to make fully informed and economically efficient decisions about reimbursable costs in developing their transition plans. As part of this, the Commission should clarify that only satellites which support C-band only services over CONUS for their entire useful life will be eligible for reimbursement to ensure that the U.S. public is not subsidizing unrelated and unnecessary activities of incumbent operators.

The Commission should also establish more detailed cost allocation criteria to be used. Clarification is needed to ensure that reimbursable costs are limited on a spectral and geographic basis to ensure that all costs have a reasonable relationship to the C-band transition.

Finally, the Commission should ensure procedural safeguards exist to limit unreasonable costs, including allowing interested third parties to review and, in appropriate cases, challenge the costs submitted by incumbent operators, even if those costs fall within the *Cost Catalog*’s presumptively reasonable limits.

Absent reconsideration or clarification by the Commission, these issues will cause unnecessary uncertainty in the transition plan filing due to the Commission on June 12, 2020, and attendant delays in the transition. These issues are also likely to create additional costs for operators, many of which will be borne by overlay licensees and, ultimately, U.S. taxpayers through the impairment of the proceeds from the auction of 3.7-4.0 GHz flexible use licenses.

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Pursuant to Section 1.429 of the Commission’s rules (“Rules”)¹, Eutelsat S.A. (“Eutelsat”) hereby petitions the Federal Communications Commission (the “Commission”)² for expedited reconsideration or clarification of the *C-band Order*³ with respect to (i) relocation cost eligibility, especially as it relates to the determination of reasonable and necessary costs for new C-band satellite facilities serving the contiguous United States (“CONUS”),⁴ as well as ongoing service requirements and enforcement mechanisms; (ii) cost allocation criteria applicable to partially-eligible relocation costs under Section 27.1416 of the Rules and paragraph 194 of the *C-band Order*; and (iii) transparency concerning cost eligibility disputes under Section 27.1421 of the Rules.

¹ 47 C.F.R. § 1.429.

² See *id.* To the extent that this petition may be addressed by the Wireless Telecommunications Bureau (“Bureau”) on delegated authority, use of the term “Commission” throughout this petition includes action by the Bureau.

³ *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, GN Docket No. 18-122, Report and Order and Order of Proposed Modification, FCC 20-22, 35 FCC Rcd 2343 (2020), *appeals pending sub nom. ABS Global Ltd., Empresa Argentina de Soluciones Satelitales S.A., Hispamar Satélites S.A., and Hispasat S.A. v. FCC*, No. 20-1146 (D.C. Cir., filed May 1, 2020) and *PSSI Global Servs., LLC v. FCC*, No. 20-1142 (filed Apr. 28, 2020) (cases consolidated on May 4, 2020). The *C-band Order* delegates to the Bureau authority to issue the requested guidance, *id.* at ¶ 262 (“We also direct the Wireless Telecommunications Bureau to make further determinations related to reimbursable costs, as necessary, throughout the transition process.”).

⁴ See also *Public Notice*, GN Docket No. 18-122, Wireless Telecommunications Bureau Seeks Comment on Preliminary Cost Category Schedule for 3.7-4.2 GHz Band Relocation Expenses, DA 20-457 (rel. Apr. 27, 2020) (“*Notice*”); *id.* at Attachment, 3.7 GHz Transition Preliminary Cost Category Schedule of Potential Expenses and Estimated Costs (“*Cost Catalog*”).

I. INTRODUCTION

As the Commission is aware, Eutelsat and other satellite operators have been working to develop appropriate C-band transition plans. However, uncertainty resulting from insufficiently defined compensable relocation costs impairs the ability to make fully informed and economically efficient decisions in developing such plans. Absent reconsideration or clarification by the Commission, these issues will cause unnecessary uncertainty in the transition plan filing due to the Commission on June 12, 2020, and attendant delays in the transition. These issues are also likely to create additional costs for operators, many of which will be borne by overlay licensees and, ultimately, U.S. taxpayers through the resulting impairment of the proceeds from the auction of 3.7-4.0 GHz flexible use licenses.

Expedited reconsideration or clarification of the issues raised herein is essential to enable Eutelsat to prepare its transition plan and, therefore, to complete the C-band relocation process as efficiently as possible in accordance with the Commission's relocation timeline. The June 12, 2020 deadline is fast approaching, and given the complex issues involved in developing transition plans, Eutelsat estimates that several weeks will be needed from the time the Commission's reconsideration or guidance is released for operators to revise, finalize, and submit their transition plans. Accordingly, Eutelsat requests that the Commission expeditiously reconsider or clarify its relocation cost eligibility and cost allocation criteria to provide parties adequate time to develop their transition plans.⁵

⁵ With the June 12, 2020 deadline fast approaching, and in light of the comment schedule prescribed in Section 1.429 of the Rules, 47 C.F.R. § 1.429, Eutelsat is also filing a companion petition for waiver seeking additional time to complete its Transition Plan, taking into account additional guidance issued in response to this petition.

II. DISCUSSION

The *C-band Order* seeks to rapidly make a significant amount of spectrum available for flexible use by terrestrial wireless operators (“overlay licensees”) throughout CONUS by repacking existing satellite operations into the upper 200 megahertz of the C-band, and to ensure that C-band incumbents maintain comparable services for existing customers.⁶ To achieve this result, the Commission will require overlay licensees to pay for the reasonable relocation costs of incumbent space station and earth station operators to comparable facilities, including new C-band satellite capacity necessary to implement this transition.⁷

As part of its authority to determine reimbursable costs,⁸ the Commission should clarify the standards and allocation criteria that will be used to (i) determine which new C-band satellite costs are “reasonable” and “necessary” and therefore eligible for relocation, as well as ensure that new C-band satellite capacity remains dedicated to serving the CONUS market; (ii) exclude the costs of new C-band satellite equipment, services, or activities that go beyond those considered compensable; and (iii) ensure appropriate and transparent safeguards are in place, including third party review of cost estimates, to reduce the risk that unreasonable costs will be shouldered by the U.S. public.

A. The Commission Should Reconsider or Clarify the Eligibility of Replacement C-band Satellite Facilities

The Commission should clarify that, to be considered an eligible relocation cost, a replacement satellite must offer only C-band services and must serve only the CONUS for the duration of its useful life. To effect this result, the Commission should define, in greater detail,

⁶ See *C-band Order* at ¶¶ 4, 32.

⁷ *Id.* at ¶ 111.

⁸ *Id.* at ¶ 262.

the scope of the term “comparable facilities” in this context, and provide more explicit criteria for determining whether new C-band satellites will be considered “reasonable” and “necessary” to the transition. Such clarifications are essential for operators to adequately develop their transition plans to facilitate the Commission’s rapid relocation goals. To the extent necessary, Eutelsat requests the Commission reconsider the *C-band Order* to further elaborate on such definitions.

1. Clarify the Definition of “Comparable Facilities”

Eutelsat requests the Commission clarify the meaning of comparable facilities in the context of new C-band satellite capacity required for the transition. Throughout the *C-band Order*, the Commission makes reference to a “comparable facilities” standard, but does not define that standard in sufficient detail as it relates to new C-band satellites.⁹ Indeed, the only reference to a “comparable facilities” definition comes in the discussion of sunseting incumbent point-to-point fixed services. The Commission notes that comparable facilities are “facilities possessing certain characteristics in terms of throughput, reliability, and operating costs as compared to the incumbent’s existing facilities.”¹⁰ While somewhat instructive, this definition does not resolve critical questions of how to determine what new C-band satellite facilities are “comparable.”¹¹

Eutelsat believes that in the context of the C-band transition, a comparable facility for satellites must necessarily be a C-band-only payload operating in the 4.0-4.2 GHz band providing coverage solely to the CONUS for the entire duration of its useful life.¹² Incumbents’

⁹ See generally *id.* at ¶¶ 27 n.79, 183, 326 n.729.

¹⁰ *Id.* at n.729.

¹¹ The *Emerging Technology* precedent also does not provide more than general guidance regarding the meaning of comparable facilities for satellites. See e Letter from Carlos M. Nalda, LMI Advisors, for Eutelsat S.A., GN Docket No. 18-122 (filed Jan. 27, 2020) at 6 (noting that case law has defined comparable facilities to be those that are equal or better than the incumbent’s existing facilities); *Teledesic LLC v. FCC*, 275 F.3d 75, 85-86 (D.C. Cir. 2001)); see also 47 CFR § 101.73(d) (defining comparable facilities as facilities possessing certain characteristics in terms of throughput, reliability, and operating costs as compared to the incumbent’s existing facilities).

¹² See Eutelsat S.A., *Comments*, GN Docket No. 18-122 (May 14, 2020) (“*Cost Catalog Comments*”).

existing satellites will be unable to use the 3.7-4.0 GHz band and must transition to the 4.0-4.2 GHz band within CONUS only. Therefore, “comparable facilities” can only be those providing services within CONUS and reimbursable relocation costs should be limited to C-band satellite capacity in the 4.0-4.2 GHz band with CONUS coverage.

A hybrid satellite is not a “comparable” facility in the context of the C-band relocation. The Commission has explicitly found that relocation of C-band services to other frequency bands or transmission platforms is not permitted.¹³ Therefore, hybrid satellites offering service in Ku-, Ka-, or other satellite bands should not be eligible for reimbursement at all, given the fact that those services are unaffected by the relocation process. The ability of the satellite operators’ existing satellites to continue to provide those services using their existing satellite space stations will be unaffected by the *C-band Order* and the associated transition, and there is no need for the U.S. taxpayer to bear the cost of those far more costly satellites. Moreover, as discussed below, it would be a difficult and imprecise process to allocate the design, construction, launch, and other costs of such a hybrid satellite in a way that meaningfully reflects the C-band portion. Any attempt to do so is likely to produce disputes that would delay the relocation process, potentially beyond the Commission’s deadlines.

The Commission should also further elaborate on how the characteristics of the new C-band satellite capacity must be comparable in order to receive reimbursement. For instance, Section 101.73(d) of the Commission’s rules lists certain characteristics including throughput, reliability, and operating costs which could be compared to the incumbent’s existing facilities.¹⁴

¹³ *C-band Order* at ¶ 201, n.539 (“We disagree with ACA Connects that compensable earth station migration costs should include the costs of transitioning to an alternative form of delivery, such as fiber, as long as it is not more expensive than C-band delivery by ‘an order of magnitude.’ . . . We have defined clearly the migration in this context as the costs of transitioning C-band services to the upper 200 megahertz of the band (e.g., reporting, retuning, and replacing antennas, and installing filters and compression hardware”).

¹⁴ 47 C.F.R. § 101.73(d); *C-band Order* at ¶ 326, n.729.

However, it is unclear how the Clearinghouse should apply these criteria when assessing eligible relocation costs of new C-band satellite capacity at orbit locations where existing C-band satellites include transponders operating in other frequency bands. Given that the transition is limited to C-band, a compensable, comparable facility should similarly be limited to C-band (*i.e.*, the permissible 4.0-4.2 GHz band and associated uplink frequencies).¹⁵

2. Clarify the Definitions of “Reasonable” and “Necessary”

Incumbent operators are expected to “obtain the equipment that most closely replaces their existing equipment or, as needed, provides the targeted technology upgrades necessary for clearing the lower 300 megahertz, and all relocation costs must be reasonable.”¹⁶ Reasonable relocation costs are “those necessitated by the relocation in order to ensure that incumbent space station operators ... provide substantially the same or better service to incumbent earth station operators, ... compared to what they were able to provide before.”¹⁷ The Commission should clarify the meaning of “reasonable” and “necessary” in this context.

Although the *C-band Order* notes that reasonable costs are those “necessitated by the relocation” it does not provide further information about what costs are necessary. Presumably, the Commission considers the categories listed in the *Cost Catalog* to encompass necessary costs, however these categories are extremely general, and do not provide a level of specificity

¹⁵ The *Cost Catalog* also acknowledges that satellite operators may need to launch additional satellites to complete the transition, but nevertheless states that its estimates are based upon standard C-band payloads only. *See, e.g., Cost Catalog* at 2 (“low estimates are based upon satellite operator procurement of multiple, identical launch vehicles, where spacecraft are assumed to be standard C-band payloads”). Table II-B-1 to the *Cost Catalog* also notes that it estimates total costs for “C-Band satellites” delivered in-orbit. *Id.*

¹⁶ *C-band Order* at ¶ 194. The Commission clarifies that replacing such equipment is not a blank check for incumbent operators to claim any costs, rather existing equipment may be replaced to the extent necessary to provide “the same level of service more efficiently using less spectrum[.]” *See id.* at ¶ 137. Thus, parties may not simply claim the entire cost of replacing a satellite which was providing other non-C-band, non-CONUS services.

¹⁷ *Id.*

necessary to make efficient transition decisions.¹⁸ Within the upper 200 MHz portion of the 3.7-4.2 GHz band, the Commission should clarify that only costs of CONUS satellite coverage are eligible, not the cost of a replacement satellite providing coverage to other areas of the world.

Satellite operators have primary responsibility for effecting the relocation process and will exercise judgment over the decision to incur relocation costs, under the oversight of the Clearinghouse. However, the satellite operators and the Clearinghouse are largely insulated from the financial impact of their decisions. The Commission has provided a dispute resolution mechanism where the satellite operator contends that the Clearinghouse's reimbursement decision is unreasonably low. The Commission also should be circumspect with respect to estimates of "presumptively reasonable" costs.

In particular, the Commission should correlate the "reasonableness" of costs to a standard metric such as the verifiable market price for a cost element (*e.g.*, a launch service).¹⁹ The Commission also should categorically exclude the cost of back-up launches or ground spares from satellite relocation costs,²⁰ as reimbursement for such costs would amount to subsidization of satellite or launch capacity that may not be used to provide C-band services within CONUS.²¹ Such conservatism appropriately places the burden on satellite operators to justify the need for

¹⁸ For example, the *Cost Catalog* provides for total costs for "C-band" satellites delivered in orbit but does not specify whether these satellites may contain any additional transponders or functions. See *Cost Catalog* at 2.

¹⁹ For example, the Commission could consider the publicly available competitive pricing of commercial launch providers such as SpaceX. See SpaceX, Capabilities & Services, <https://www.spacex.com/about/capabilities> (accessed on May 20, 2020) (citing a \$62,000,000.00 cost under a standard payment plan for up to 5.5 mT to GTO).

²⁰ See Intelsat LLC, *Comment*, GN Docket No. 18-122 (filed May 14, 2020) at 3-4 ("*Intelsat Cost Catalog Comment*") (suggesting the Commission increase the presumptively reasonable upper limit cost of a single launch from \$104 million to \$140 million to cover "alternative launch options and ordering back-up launch vehicles").

²¹ No reasonable economic justification is provided for reimbursement of back-up launches covering launch failures in which new C-band capacity also would be destroyed, especially since there is no suggestion that the costs of back-up satellites are also contemplated. If the Commission were to consider allowing reimbursement for such "back-up" costs, any such reimbursement should be conditioned on the actual use of such facilities for the provision of C-band service over CONUS or should be subject to the claw-back mechanism described herein.

and costs of new C-band satellite capacity to the Clearinghouse. This mechanism also will appropriately align incentives, protect the American taxpayer, and limit the ability of operators to “gold plate” or otherwise inflate the true costs of the transition.

3. New C-band Satellite Capacity should Serve CONUS throughout its Useful Lifetime

In addition, the Commission should clarify that eligible satellites must remain in position serving the CONUS for their entire useful life. There is no reason for U.S. taxpayers and consumers to bear the cost of a new satellite if it will not remain over the CONUS to serve U.S. customers. Eutelsat requests that the Commission confirm this understanding of the *C-band Order* and reconsider it as needed to ensure that the costs of new C-band satellites that may serve other markets are not inappropriately reimbursed.

The *C-band Order* makes clear that the transition is designed to ensure incumbents provide the same services during *and after* the transition that they were providing before.²² Therefore, if incumbent satellite operators seek reimbursement for the reasonable costs of new C-band capacity necessary to implement the transition, they have an ongoing service requirement to continue to provide that same level of C-band services to the U.S. public for the lifetime of the satellite. This is particularly true because relocation costs are narrowly tailored to allow operators to continue to serve the CONUS region using C-band spectrum and the Commission is only modifying the licenses and authorizations with respect to U.S. C-band operations.²³

²² See *C-band Order* at ¶ 137 (“we find that where an incumbent will be fully reimbursed to upgrade its facilities so that it can provide the same level of service more efficiently using less spectrum, requiring the incumbent to do so falls within the Commission’s Title III authority to modify a license.”); see also *id.* at ¶ 140 (“space station operators *will continue to be able to serve their customers with essentially the same services under very similar terms* following the license modification we adopt today”) (emphasis added). The Commission applies the same reasoning to both licensees under Title III as it does to foreign-licensed operators with market access authorizations. *Id.* at ¶ 131 (“we will accord to grants of market access the same protections in this regard that we accord to Commission licenses and grants of market access”).

²³ *Id.* at ¶ 132 (“consistent with the scope of the public auction we adopt, the section 316 license modification that we adopt applies only to licenses and grants of market access held within the contiguous United States;

Given the foregoing, the Commission should include as a condition of receiving relocation compensation for new C-band satellite facilities, and as part of an associated license or market access grant, that the facilities must serve CONUS for the lifetime of the satellite or be subject to a claw-back of their relocation costs. This approach will ensure that operators use new C-band satellite capacity designed to serve the U.S. public within CONUS for that very purpose, especially since reimbursable relocation costs are ultimately borne by the U.S. public to promote continued provision of telecommunications services in the United States. This approach would also avoid repurposing of such satellite capacity (*e.g.*, relocation to other markets) in a manner that is disruptive of competition.²⁴

The Commission also should consider implementing a claw-back requirement as a safeguard to discourage satellite operators that accept relocation payments to deploy new C-band satellite capacity to serve CONUS from relocating or redeploying that capacity elsewhere. The Commission should seek to recapture all or part of relocation payments used to implement the satellite (*e.g.*, at a minimum, a proportion of reimbursed costs reflecting the satellite's proportional remaining useful lifetime) if an operator seeks to redeploy that satellite. The Commission should also ensure that any funds clawed back are remitted to the U.S. Treasury²⁵ because potential C-band satellite relocation costs were considered by overlay licensees in their bids and thus reduced the total return of the auction to the U.S. taxpayer.

authorizations for FSS operations outside of the contiguous United States may continue to operate in the entire 3.7-4.2 GHz band”).

²⁴ See *Cost Catalog Comments* at 5.

²⁵ This can be achieved through a condition on receipt of relocation payments, a license or market access condition, or otherwise.

B. The Commission Should Further Describe its Cost Allocation Methodology

The Commission should limit reimbursable costs on a spectral and geographic basis to ensure that all costs have a reasonable relationship to the C-band transition. Pursuant to the *C-band Order*, “if an incumbent builds additional functionalities into replacement equipment that are not needed to facilitate the swift transition of the band, *it must reasonably allocate the incremental costs of such additional functionalities to itself and only seek reimbursement for the costs reasonably allocated to the needed relocation.*”²⁶ The Commission should clarify how potential cost allocations would be determined. This clarification should address which features or functions would indeed be eligible (and, conversely, ineligible) for reimbursement, and the precise methodology that would be used for making assessments in relation to cost reimbursement allocations for potential hybrid equipment.

If, contrary to Eutelsat’s arguments and the wider policy imperatives underpinning the transition process, the Commission were to conclude that any portion of a satellite that can provide service outside the CONUS or using additional satellite spectrum bands could be eligible for reimbursement, the Commission should at least establish the cost allocation criteria to be used. Such guidance is essential for satellite operators to make informed decisions about how to design and facilitate the C-band transition (*e.g.*, by using a smaller GSO satellites with C-band payloads or more traditional, large satellites with multi-band payloads).

For example, the *C-band Order* should clarify how to allocate costs for the satellite bus, launch services, and control facilities when the satellite will be providing more than just capacity required for the transition. Indeed, the Commission should provide a clear process for such situations consistent with its relocation precedent and the public interest imperatives to ensure

²⁶ *C-band Order* at ¶ 194 (emphasis added).

that relocation compensation cannot be used in any way to subsidize satellite capacity in other bands or non-CONUS service areas (*i.e.*, even partial reimbursement of costs associated with multi-band satellites will significantly subsidize non-C-band, non-CONUS capacity, thereby diverting relocation costs from their intended use and disrupting competition).

Additionally, the Commission should clarify how new C-band satellite functionalities which result in additional (non-minimal) capacity, throughput, or coverage (*e.g.*, non-CONUS portion of the United States such as Alaska, Hawaii, the Gulf of Mexico, and U.S. territories) will be addressed. If a satellite includes C-band capacity capable of serving a wider coverage area than CONUS, how will the Commission determine what costs to reimburse?

Contrary to the *C-band Order's* directive regarding demonstrations of the reasonableness of costs, the Commission did not place any parameters regarding how to determine which costs are specific to C-band operations. Merely providing that the Clearinghouse will be responsible for determining what is reasonable and necessary provides operators with no insight into how costs might be allocated because there is no clear definition of reasonable or necessary costs. Placing the entire burden of this decision on the Clearinghouse also fails to provide operators, in the initial instance, with sufficient information to decide which costs to incur.

Moreover, it will be a difficult and imprecise process to allocate the design, construction, launch, and other costs of a hybrid satellite in a way that meaningfully reflects the costs of the C-band portion. The only limitation that the *C-band Order* provides is that incumbent operators may not seek reimbursement for the incremental cost of additional functionalities which are not “needed to facilitate the swift transition of the band.”²⁷ This suggests that parties will not be reimbursed for certain “unnecessary” costs but provides little insight into the meaning of an

²⁷ *Id.*

incremental cost allocation.²⁸ For example, the language does not inform operators about allocation of costs for launch services caused by increases in bus size where the satellite is equipped to provide services in more than just C-band over CONUS (*i.e.*, what part of the cost increases would be considered reimbursable as “incremental”?).

Moreover, the Commission should clarify how it will treat new C-band satellite capacity serving CONUS initially, but which later (*i.e.*, before its end-of-life) is relocated or otherwise provides service outside of CONUS. As discussed above, the Commission should consider some form of claw-back of reimbursement for funds intended to facilitate the implementation of new C-band satellite capacity serving CONUS, but which are redeployed elsewhere. All of these issues must be addressed before a transition plan can be fully developed.

C. Clearinghouse Determinations Concerning Cost Eligibility Should Be Transparent and Public

Given these uncertainties in defining reasonable and necessary costs as well as the concerns regarding the allocation methodology, the Commission should also ensure interested third parties are able to review and, in appropriate cases, challenge the costs submitted by incumbent operators, even if those costs fall within the *Cost Catalog*’s presumptively reasonable limits. With the *Cost Catalog* being a public document, there is a substantial risk that, if any cost estimates it contains are overstated, it will incentivize vendors to inflate their prices, and undermine the negotiating leverage of their satellite operator customers.

²⁸ As discussed above, the Commission should clearly state that the purchase of a back-up launch would not be a necessary cost. *See Intelsat Cost Catalog Comment* at 4. Any attempt to do so is likely to produce disputes that would delay the relocation process, potentially beyond the Commission’s deadlines.

In addition to its administrative role determining which costs submitted by incumbent space station operators are “reasonable” and “necessary”,²⁹ the Clearinghouse also serves in a function akin to a special master in a judicial proceeding to “mediate any disputes regarding cost estimates or payments that may arise in the course of band reconfiguration; or refer the disputant parties to alternative dispute resolution fora.”³⁰ The Commission should clarify that parties, including interested third-parties, are permitted to challenge the reasonableness of cost estimates or payments of other parties under the rules.

At a minimum, the Clearinghouse’s eligibility decisions should be available for public review, so that the Commission can benefit from the collective familiarity of industry participants with market conditions as they evolve over the coming years as the transition unfolds. Such procedural safeguards are essential to ensuring that costs are adequately reviewed. Thus, even if the Commission does not permit third parties to *challenge* the reasonableness of costs incurred by other parties, it should amend its rules to permit peer-oversight, in order to minimize the perverse incentives of operators to inflate their costs.

III. CONCLUSION

As Eutelsat has stated, requiring satellite operators to prepare transition plans in the absence of critical corrections to the *C-band Order* and guidance undermines the reliability of such plans. Therefore, Eutelsat respectfully requests the Commission expeditiously reconsider or clarify which costs are compensable in the context of the C-band transition, the allocation

²⁹ *C-band Order* at ¶ 260 (“The Clearinghouse shall review reimbursement requests to determine whether they are reasonable and to ensure they comply with the requirements adopted in [the *C-band Order*]. The Clearinghouse shall give parties the opportunity to supplement any reimbursement claims that the Clearinghouse deems deficient.”).

³⁰ *Id.* at ¶ 268; *see* 47 C.F.R. § 27.1421.

principles that the Commission will apply to costs incurred by incumbents, and associated requirements and procedural safeguards to ensure costs remain reasonable, consistent with the public interest.

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Respectfully submitted,

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